IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CHASITY SHANTELL VINSON , on Behalf of Herself and All Others Similarly Situated, Plaintiff, vs. **FLEETCOR TECHNOLOGIES, INC., a Delaware Corporation,** Defendant.	CASE NO. **JURY TRIAL DEMANDED**

CLASS ACTION COMPLAINT

NATURE OF THE ACTION

1. Plaintiff, Chasity Shantell Vinson ("Vinson"), brings this action both individually and behalf of a class of similarly situated individuals against Defendant, FleetCor Technologies, Inc. ("FleetCor") for violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, *et seq.*

PARTIES

2. Vinson is and has been a resident of Gwinnett County, Georgia, and is

a consumer as defined by 15 U.S.C. § 1681a.

3. FleetCor is a publicly traded for-profit corporation incorpated in Delaware with an office located in Gwinnett County, Georgia that claims to be "a leading independent global provider of specialized payment products and services including fleet cards, food cards, corporate lodging discount cards and other specialized payment services for businesses throughout the world." See http://www.fleetcor.com/our_company.htm (last visited June 10, 2014).

4. FleetCor announces on its website that it currently has 5,100 employees, operates in 43 Countries, and has yearly revenue of 895.2 million dollars during fiscal year 2013.

5. Further, FleetCor is a "person" using "consumer reports" to make "employment decisions" and take "adverse action" against "consumers", as those terms are defined by 15 U.S.C. § 1681a.

6. Fleetcor may be served on its registered agent in Delaware, to wit: Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

JURISDICTION AND VENUE

7. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331

and 15 U.S.C. § 1681p.

8. Venue is proper in the Northern District of Georgia because FleetCor is subject to personal jurisdiction in this District, maintains a place of business in this District, and makes employment decisions regarding individuals residing in this District. 28 U.S.C. § 1391(c).

VINSON'S EMPLOYMENT EXPERIENCE

9. Vinson applied for employment with FleetCor and was subsequently hired in or around May 28, 2013.

10. As a result, Vinson relocated from North Carolina to Georgia, and began her employment with FleetCor on June 17, 2013.

11. On or around July 1, 2013, FleetCor engaged Sterling Infosystems ("Sterling") to provide a consumer report, which included public record information purportedly regarding Vinson (the "Sterling Report").

12. The information provided by Sterling to FleetCor contained negative public records information that pertained to another individual altogether.

13. Sterling and other consumer reporting agencies traffic in the reputations of job applicants by purchasing public records data from various sources and compiling the information into a separate database used to generate

consumer reports for a fee upon request.

14. Consumer reporting agencies often make this information available to employers instantly online, and rarely provide contemporaneous notice to job applicants that adverse public record information has been shared with a prospective employer.

15. On July 8, 2013, Vinson was summoned into FleetCor's Human Resource Department where she was advised that her employment with FleetCor was terminated effective immediately because of information contained in her "criminal background check" report.

16. Vinson vehemently denied having a criminal record to FleetCor to no avail. She was verbally told that she had felony drug charges that were not disclosed at the time of application. FleetCor insisted that Vinson's information was an exact match with the person being reported on the Sterling Report.

17. At no time prior to terminating her, did FleetCor provide Vinson with a copy of the Sterling Report.

18. At no time prior to terminating her, did Fleetcor provide a copy of her Summary of Rights.

19. As a result of not being provided with either the Sterling Report or the

summary of her rights, she was unable to meaningfully dispute the information being reported.

ALLEGATIONS AS TO THE COMMON QUESTIONS

20. Upon information and belief, FleetCor has purchased consumer reports from consumer reporting agencies for the last five (5) years, which are used as a basis to take adverse action against job applicants.

21. FleetCor purchases these consumer reports after hiring applicants and determining that applicants are otherwise qualified for employment.

22. Uniformly, FleetCor does not provide pre-adverse action notice to job applicants, including a copy of the applicants' consumer report and a statement of the applicants' rights as required by 15 U.S.C. § 1681b(b)(3) ***before*** making a decision regarding their employment.

23. FleetCor's violations of the FCRA have been willful, wanton and reckless in that FleetCor knew, or reasonably should have known, that it was failing to comply with the requirements of the FCRA.

24. The specific requirements of 15 U.S.C. § 1681b(b)(3) have been the subject of numerous federal district court, circuit court and Supreme Court

decisions. Moreover, these requirements have been the subject of numerous FTC staff opinions authored over the last 15 years.

25. More importantly, FleetCor's obligations under the FCRA are the subject of Sterling's own marketing and resource materials provided directly to Sterling's subscribers, including FleetCor.

26. Upon information and belief, these statutory requirements are also contained in contracts between FleetCor and Sterling.

27. Upon information and belief, these contracts contain express language detailing the requirements of the FCRA, including 15 U.S.C. § 1681b(b)(3) such that FleetCor had actual knowledge that final hiring decisions based in whole or in part on a consumer report could not be made until the applicant had received a copy of the report and summary of rights.

28. Moreover, FleetCor had actual knowledge that the FCRA required a reasonable time period for applicants to dispute or explain information contained in a consumer report before making a final hiring decision.

29. In addition to explaining these FCRA requirements in its contracts with customers like FleetCor, Sterling also makes available various training materials that provide additional compliance advice regarding the use of consumer

reports to evaluate job applicants.

30. Moreover, regulatory guidance provided by the FTC has explained the FCRA's requirement that employers like FleetCor must wait a "reasonable time" after providing notice under 15 U.S.C. § 1681b(b)(3) to provide final adverse action notice to applicants.

31. Here, final adverse action was given to Vinson ***before*** she had a chance to see a copy of the Sterling Report and dispute the inaccurate information being reported. Indeed, even through the present date, FleetCor never provided Vinson with a copy of the Sterling Report and a summary of her rights.

32. Such FTC staff opinions originate in 1997, and were publically available to FleetCor.

33. 15 U.S.C. §1681n(a) permits a consumer to recover statutory and punitive damages, along with attorneys' fees and costs for willful violations of the FCRA.

CLASS ACTION ALLEGATIONS

34. Pursuant to FED. R. CIV. P. 23, Vinson brings this action on behalf of the Class initially defined below:

> All natural persons residing in the United States who applied for employment with FleetCor during the Class

> Period and against whom FleetCor made an adverse hiring decision based in whole or in part on information contained in the consumer report without first providing the applicant with a copy of the report or a summary of rights as required by 15 U.S.C. § 1681b(b)(3).

35. Upon information and belief, the putative Class exceeds 1,000 members. Information concerning the exact size of the putative class is within the exclusive possession of Fleetcor.

36. The Class members are so numerous that joinder of all members is impracticable.

37. Vinson's claims are typical of the claims of the other Class members as all Class members were similarly affected by FleetCor's unlawful conduct in violation of the FCRA.

38. Vinson will fairly and adequately protect the interest of the Class members and has retained counsel competent and experienced in complex class-action litigation. Vinson is a member of the Class and does not have any interests antagonistic to or in conflict with the members of the Class. Further, Vinson's claims are the same as those of the Class, which all arise from the same operative facts and are based upon the same legal theories.

39. Common questions of law and fact exist as to all Class members and

predominate over any questions solely affecting individual Class members, including:

a. Whether FleetCor provided a copy of the consumer report to the applicant or employee ***before*** making a decision to decline or discharge the applicant or employee based on the results thereof as required by 15 U.S.C. §1681b(b)(3)(A)(i); and

b. Whether FleetCor provided a copy of a summary of the applicant or employee's rights under the FCRA ***before*** making a decision to decline or discharge the applicant or employee as required by 15 U.S.C § 1681b(a)(3)(A)(ii).

40. A class action is superior to other available methods for the fair and efficient adjudication of this controversy because the membership of the Class is so numerous and involves claims that, taken individually, may not justify the costs and effort of bringing suit.

41. Further, the prosecution of several actions by individual members of the Class would create a risk of varying adjudications with respect to members of the Class, as well as create inconsistent standards of conduct for those opposing the Class. Additionally, individual actions by members of the Class may be dispositive of the interests of other members not parties to the adjudication of the claim, which would impair or impede the ability of those individuals to protect

their interests.

COUNT ONE – CLASS CLAIM
FAILURE TO PROVIDE PRE-ADVERSE ACTION NOTICE

42. Vinson re-alleges and incorporates by reference all preceding allegations of law and fact.

43. FleetCor willfully violated 15 U.S.C. § 1681b(b)(3)(A)(i) by failing to provide a copy of the consumer report used to make an employment decision to Vinson and the Class Members before taking adverse action that was based in whole or in part on that report.

44. FleetCor willfully violated 15 U.S.C. § 1681b(b)(3)(A)(ii) by failing to provide a copy of the summary of rights required by this section to Vinson and the Class Members before taking adverse action that was based in whole or in part on a consumer report.

45. Vinson and the Class members seek statutory damages for these violations pursuant to 15 U.S.C. § 1681n(a)(1)(A).

46. Vinson and the Class members also seek punitive damages for these violations pursuant to 15 U.S.C. § 1681n(a)(2).

WHEREFORE, Vinson and the putative class respectfully pray for the following relief:

A. An order certifying the proposed class herein pursuant to FED. R. CIV. P. 23 and appointing the undersigned counsel to represent same;

B. The creation of a common fund available to provide notice of and remedy Fleetcor's unlawful conduct;

C. Statutory and punitive damages for all class claims; and

D. Attorneys' fees, expenses and costs.

JURY DEMAND

Plaintiff Chasity Shantell Vinson and the putative class demand a trial by a jury as to all issues presented herein.

Respectfully submitted,

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**Pro Hac Admission pending*

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